

REMARKS

I. INTRODUCTION

In response to the Office Action dated May 14, 2008, claims 1 and 9 have been amended. Claims 1-16 remain in the application. Entry of these amendments, and re-consideration of the application, as amended, is requested.

II. CLAIM AMENDMENTS

Applicants' attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of clarifying the language of the claims, and were not required for patentability or to distinguish the claims over the prior art.

III. PRIOR ART REJECTIONS

On page (2) of the Office Action, claims 1-6, 8-11, and 13-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Peliotis, U.S. Publication No. 2002/0065678 (Peliotis) and further in view of James, U.S. Publication No. 2002/0019987 (James), and in view of Freeman, U.S. Publication No. 2002/0129374 (Freeman). On page (8) of the Office Action, claims 4 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Peliotis and Freeman in view of Corvin, U.S. Publication No. 2001/0029610 (Corvin).

Specifically, independent claims 1 and 9 was rejected as follows:

Regarding claim 1;

A method for providing broadcast video programming, comprising:

(a) receiving video programming (receiving from remote video feed – see include, but not limited to – Fig. 6, [0029]);

(b) encoding the video programming into a vertical blanking interval and unused active lines of a television channel (encoding the alternate video that is applied to a video blanking interval encoder and also a tag information such as commercials –(a part of video programming) into a VBI – vertical blanking interval – see include, but not limited to – Fig. 6 [0029]);

(c) broadcasting the television channel and encoded video programming (the encoded alternate video signal and encoded broadcast video signal are applied to the head-end and then transferred to the user's premises – see include, but not limited to –Fig. 7, [0030]);

(d) receiving the broadcast video programming in a user, wherein the user device comprises (User device – set top box received the transmitted from the headend signal –(Fig. 7) :

(I) tuning hardware configured to receive normal over-the-air terrestrial broadcasts and to pass the encoded video programming (Peliotis includes a set top box for receiving video signal that can select different channels (has a tuner) – [0024], Figs. 3 and 7, but fails to teach over the air transmission. However, James discloses a system of transmitting digital data information in the Vertical Blanking Interval (VBI) for transmission in a wireless communication network ([008], Fig. 1; selector for tuning in specific channel – [0025]);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peliotis with the teaching of over-the-air terrestrial broadcasts – satellite broadcasting as further taught in James to meet all limitation in claim 1, in order to transmit over the air a program with VBI program.

(II) vertical blanking interval software configured to:

- (1) receive output from the tuning hardware (VBI decoder receives selected information – see include, but not limited to – the input of VBI decoder – Fig. 7); and
- (2) decode the encoded video programming (VBI decoder decodes the encoded information):

(III) decompression software configured to

- (1) decompress the decoded video programming; and

Peliotis and James fail to teach decompressing video programming. However, Freeman discloses a system for transmitting digital data where the data is compress and then decompressed/decoded at the receiver (Figs. 2 and 3, [0050], [0053-0054]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peliotis and James with the teaching of HTML decoder to decompress the compressed data as further taught in Freeman to meet all limitation in claim 1, in order to reduce the data transfer requirements thereby using the available bandwidth more efficiently.

- (2) output analog audio and video signals from the decoded video programming to enable a user to watch the video programming on a screen and speaker of the user device (television screen for displaying programs and sounds – see include, but not limited to- Fig. 7, [0030]).

Regarding claim 9 see the analysis of claim 1 above where the claim limitation was analyzed.

Applicants traverse the above rejections for one or more of the following reasons:

- (1) Peliotis, James, Freeman, and Corvin do not teach, disclose or suggest a user device receiving normal over the air terrestrial broadcasts;
- (2) Peliotis, James, Freeman, and Corvin do not teach, disclose or suggest the ability to pass encoded video programming from a vertical blanking interval received in a normal over the air broadcast to tuning hardware;
- (3) Peliotis, James, Freeman, and Corvin do not teach, disclose or suggest decompressing decoded video programming that has been decoded from a VBI; and
- (4) Peliotis, James, Freeman, and Corvin do not teach, disclose or suggest a user device that has a screen and speaker; and
- (5) Peliotis, James, Freeman, and Corvin do not teach, disclose or suggest a user device that not only receives and decodes broadcast video programming but that also displays the video programming on a screen and speaker of the user device itself.

Independent claims 1 and 9 are generally directed to receiving broadcast video programming in a user device. More specifically, video programming is encoded in the vertical blanking interval (VBI) and unused Active lines of a television channel. The television channel and encoded video programming is broadcast and received in a user device. The user device is configured to receive the normal over-the-air broadcasts (including the VBI) and to pass the encoded video programming (from the VBI). In addition, the user devices have VBI software that receives output from the tuning hardware and decodes the encoded video programming (from the VBI). As set forth in the amended claims, the user device has a screen and speaker. Further, the user device has decompression software that decompresses the decoded video programming and outputs analog audio and video signals to the screen and speaker of the user device itself.

In view of the above, it can be seen that the user device directly receives and tunes the broadcast television channel to receive video programming encoded in the VBI of the broadcast. Such a teaching is distinctly and uniquely nonobvious over the cited prior art.

In rejecting the claim elements relating to the tuning hardware, the Office Action relies on Peliotis (paragraph [0024] and figures 3 and 7). What can be clearly seen from such text is that Peliotis does not even remotely suggest the ability to receive over the air terrestrial broadcasts. In fact, the Office Action acknowledges Peliotis' lack of over the air transmission capabilities and relies on James instead. However, before moving to the deficiencies of James, Applicants further note that Peliotis also fails to describe a user device as claimed. In this regard, Peliotis explicitly requires and utilizes a set top box (see FIG. 3 and the entire specification). As presently claimed, the present invention includes a user device that not only has a tuner but has VBI software, a screen, a speaker, and decompression software. Peliotis' set top box and user hardware does not include any such capabilities.

In addition, Applicants note that Peliotis' VBI is only used to include markers and tags and does not include encoded video programming as claimed.

The Action relies on James for receiving data in the VBI. James describes the use of a VBI to encode a message. However, unlike the present claims (and similar to Peliotis), James' VBI does not include encoded "video programming". Further, similar to Peliotis, James fails to describe, suggest, or remotely refer to a user device that can receive and tune encoded programming from a

terrestrially broadcast VBI signal, but also fails to describe a device that is capable of displaying such information on the device itself (e.g., via a screen and speaker).

The Action then (i.e., on page 4) provides that Peliotis discloses the ability to receive output from tuning hardware. Applicants again note that the relied upon Fig. 7 (and the remainder of Peliotis) merely describes the receipt into a set top box of the information. In this regard, there is no capability to receive encoded video programming or otherwise into a user device that not only has the tuning hardware but also a screen and speaker capable of outputting (i.e., displaying) the decoded video programming.

The action continues and acknowledges Peliotis and James lack of teaching the ability to decompress video programming and instead relies on Freeman. However, what is clearly lacking from Freeman is the ability to decompress/decode VBI data. The claims explicitly provide that the decoding and decompressing is performed with respect to video programming that is in the vertical blanking interval of the received terrestrial broadcast. Freeman merely describes the ability to decompress received data (see paragraphs [0050], [0053], and [0054]). Freeman's only description and use of VBI relates to stripping out information (e.g., interactive commands and close captioning) that is embedded in the VBI (see paragraph [0198]). However, the ability to decompress and/or decode video programming from a VBI is nowhere to be found, explicitly or implicitly in Freeman. Instead, since Freeman discloses an entirely different use of the VBI without any capability for the VBI to include video programming, Freeman's disclosure serves to teach away from the presently claimed invention.

The Action then relies on Peliotis to disclose the displaying/output of the video programming on the screen and speaker of the user device. Applicants note that Peliotis (and the other cited references) do not even remotely allude to such an output. Instead, the cited references fall well within the prior art and output data to a television screen (as stated in the Office Action). The television screen does not have the tuning hardware or VBI software as claimed. Instead, the cited references all rely on set top boxes passing such information to a television. The claimed invention explicitly requires that the user device has a screen and speaker as well as the other claimed attributes. The two different concepts of a television screen and set top box of the cited art fails to teach such capabilities. In fact, the use of a television screen as set forth in the Action and cited references would serve to teach away from the presently claimed invention.

Corvin further fails to cure the deficiencies of the other cited references.

In addition, the various elements of Applicants' claimed invention together provide operational advantages over the systems disclosed in Peliotis, James, Freeman, and Corvin. Further, Applicants' invention solves problems not recognized by Peliotis, James, Freeman, and Corvin.

Thus, Applicants submit that independent claims 1 and 9 are allowable over Peliotis, James, Freeman, and Corvin. Further, dependent claims 2-6, 8, and 10-16 are submitted to be allowable over Peliotis, James, Freeman, and Corvin in the same manner, because they are dependent on independent claims 1 and 9, respectively, and because they contain all the limitations of the independent claims. In addition, dependent claims 2-6, 8, and 10-16 recite additional novel elements not shown by Peliotis, James, Freeman, and Corvin.

IV. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

Erin H. Sibley et al.

By their attorneys,

GATES & COOPER LLP

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

Date: August 12, 2008

By: /Jason S. Feldmar/
Name: Jason S. Feldmar
Reg. No.: 39,187